

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor<sup>1</sup> (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

DISPOSABLE SURGICAL SUCTION/IRRIGATION TRUMPET VALVE TUBE CASSETTE

(Attorney Docket No. 050251/0101)

the specification of which (check one)

  X   Is attached hereto.

       Was filed on \_\_\_\_\_ as United States Application Number or PCT International Application Number \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number	Country	Foreign Filing Date	Priority Claimed?	Certified Copy Attached?

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

U.S. Provisional Application Number	Filing Date

I HEREBY CLAIM the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Application Number	Parent Filing Date	Parent Patent Number
09/492,964		28 January 2000	
09/015,299		29 January 1998	6,027,502

I HEREBY APPOINT the following registered attorneys and agents of the law firm of FOLEY & LARDNER to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith:

Donald Nickey	Reg. No.	29,092
Andrew Rozycki	Reg. No.	36,406
Michael Steffenmeier	Reg. No.	37,735
Paul E. Schaafsma	Reg. No.	32,664

and I request that all correspondence be directed to:

Kim Diliberti  
 Allegiance Healthcare Corporation  
 Karl D. Bays Building - Suite 1A  
 1430 Waukegan Road  
 Chicago, Illinois 60085

Telephone: (847) 578-6667  
 Facsimile: (847) 578-6688

I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Name of first inventor

Peter Visconti

Residence

Chicago, IL

Citizenship

U.S.A.

Post Office Address

4111 West Grace Street, Chicago, IL 60641

Inventor's signature

*Peter L. Visconti*

Date

8/11/00

Name of second inventor Thomas Doering  
 Residence Grayslake, IL  
 Citizenship U.S.A.  
 Post Office Address 440 Arlington Lane, Grayslake, IL 60030  
 Inventor's signature *Thomas A. Doering*  
 Date 14-AUGUST-2000

Name of third inventor Ken Horton  
 Residence Kildeer, IL  
 Citizenship U.S.A.  
 Post Office Address 22568 Ruth Court, Kildeer, IL 60047  
 Inventor's signature  
 Date

Name of fourth inventor Jan Wells  
 Residence Sherrard, IL  
 Citizenship U.S.A.  
 Post Office Address 2645 145th Avenue, Sherrard, IL 61281  
 Inventor's signature  
 Date

Name of fifth inventor Robert Thomas  
 Residence New Boston, NH  
 Citizenship U.S.A.  
 Post Office Address 43 Weare Road, New Boston, NH 03070  
 Inventor's signature  
 Date

Name of second inventor Thomas Doering  
 Residence Grayslake, IL  
 Citizenship U.S.A.  
 Post Office Address 440 Arlington Lane, Grayslake, IL 60030  
 Inventor's signature  
 Date

Name of third inventor Ken Horton  
 Residence Kildeer, IL  
 Citizenship U.S.A.  
 Post Office Address 22568 Ruth Court, Kildeer, IL 60047  
 Inventor's signature  
 Date 8/11/00

Name of fourth inventor Jan Wells  
 Residence Sherrard, IL  
 Citizenship U.S.A.  
 Post Office Address 2645 145th Avenue, Sherrard, IL 61281  
 Inventor's signature  
 Date

Name of fifth inventor Robert Thomas  
 Residence New Boston, NH  
 Citizenship U.S.A.  
 Post Office Address 43 Weare Road, New Boston, NH 03070  
 Inventor's signature  
 Date

Name of second inventor Thomas Doering  
 Residence Grayslake, IL  
 Citizenship U.S.A.  
 Post Office Address 440 Arlington Lane, Grayslake, IL 60030  
 Inventor's signature  
 Date

Name of third inventor Ken Horton  
 Residence Kildeer, IL  
 Citizenship U.S.A.  
 Post Office Address 22568 Ruth Court, Kildeer, IL 60047  
 Inventor's signature  
 Date

Name of fourth inventor Jan Wells  
 Residence ~~Sherrard, IL~~ DAVIE, FL JBN 8/21/00  
 Citizenship U.S.A. 1660 SW 155th AVENUE, DAVIE, FL 33326  
 Post Office Address ~~2645 145th Avenue, Sherrard, IL 61281~~ JBN 8/21/00  
 Inventor's signature Janice B. Wells  
 Date August 21, 2000

Name of fifth inventor Robert Thomas  
 Residence New Boston, NH  
 Citizenship U.S.A.  
 Post Office Address 43 Weare Road, New Boston, NH 03070  
 Inventor's signature  
 Date

Name of second inventor Thomas Doering  
 Residence Grayslake, IL  
 Citizenship U.S.A.  
 Post Office Address 440 Arlington Lane, Grayslake, IL 60030  
 Inventor's signature  
 Date

Name of third inventor Ken Horton  
 Residence Kildeer, IL  
 Citizenship U.S.A.  
 Post Office Address 22568 Ruth Court, Kildeer, IL 60047  
 Inventor's signature  
 Date

Name of fourth inventor Jan Wells  
 Residence Sherrard, IL  
 Citizenship U.S.A.  
 Post Office Address 2645 145th Avenue, Sherrard, IL 61281  
 Inventor's signature  
 Date

Name of fifth inventor Robert Thomas  
 Residence New Boston, NH  
 Citizenship U.S.A.  
 Post Office Address 43 Weare Road, New Boston, NH 03070  
 Inventor's signature Robert W. Thomas  
 Date 8-15-00

Name of sixth inventor James Hansen  
 Residence New Boston, NH  
 Citizenship U.S.A.  
 Post Office Address 31 Briar Hill Road, New Boston, NH 03070  
 Inventor's signature  
 Date

Name of seventh inventor Gary P. Schroeder  
 Residence Londonderry, NH  
 Citizenship U.S.A.  
 Post Office Address 24 Seasons Lane, Londonderry, NH 03053  
 Inventor's signature Gary P. Schroeder  
 Date AUG. 15, 2000

Name of eighth inventor Ashvin Desai  
 Residence San Jose, CA  
 Citizenship U.S.A.  
 Post Office Address 4287 Littleworth Way, San Jose, CA 95135  
 Inventor's signature  
 Date



Name of sixth inventor James Hansen  
Residence New Boston, NH  
Citizenship U.S.A.  
Post Office Address 31 Briar Hill Road, New Boston, NH 03070  
Inventor's signature  
Date

Name of seventh inventor Gary P. Schroeder  
Residence Londonderry, NH  
Citizenship U.S.A.  
Post Office Address 24 Seasons Lane, Londonderry, NH 03053  
Inventor's signature  
Date

Name of eighth inventor Ashvin Desai  
Residence San Jose, CA  
Citizenship U.S.A.  
Post Office Address 4287 Littleworth Way, San Jose, CA 95135  
Inventor's signature  
Date 9/18/00

Name of sixth inventor	James Hansen
Residence	New Boston, NH
Citizenship	U.S.A.
Post Office Address	31 Briar Hill Road, New Boston, NH 03070
Inventor's signature	
Date	

Name of seventh inventor	Gary P. Schroeder
Residence	Londonderry, NH
Citizenship	U.S.A.
Post Office Address	24 Seasons Lane, Londonderry, NH 03053
Inventor's signature	
Date	

Name of eighth inventor	Ashvin Desai
Residence	San Jose, CA
Citizenship	U.S.A.
Post Office Address	4287 Littleworth Way, San Jose, CA 95135
Inventor's signature	
Date	



RECEIVED

Pain's Copy

MAR 21 2001

Paper No. 7

LAW DEPARTMENT

KIM DILIBERTI  
ALLEGIANCE HEALTHCARE CORPORATION  
KARL D. BAYS BUILDING  
SUITE 1A  
1430 WAUKEGAN ROAD  
CHICAGO, IL 60085

COPY MAILED

MAR 16 2001

OFFICE OF PETITIONS  
AC PATENTSDECISION ACCORDING STATUS  
UNDER 37 C.F.R. \$1.47(a)

In re Application of  
Peter Visconti, Thomas Doering,  
Ken Horton, Jan Wells,  
Robert Thomas, James Hansen,  
Gary P. Schroeder and Ashvin Desai  
Application No. 09/574,164  
Filed: May 18, 2000  
Title: DISPOSABLE SURGICAL  
SUCTION/IRRIGATION TRUMPET  
VALVE TUBE CASSETTE

This is in response to the request for reconsideration of  
petition under 37 C.F.R. \$1.47(a), filed January 1, 2001.

The petition is GRANTED.

The above-identified application was filed on May 18, 2000,  
without an executed oath or declaration and naming Peter  
Visconti, Thomas Doering, Ken Horton, Jan Wells, Robert Thomas,  
James Hansen, Gary P. Schroeder, and Ashvin Desai as joint  
inventors. In reply to the Notice to File Missing Parts of  
Application - Filing Date Granted mailed August 1, 2000,  
applicant submitted *inter alia* a declaration (and surcharge)  
signed by inventors Visconti, Doering, Horton, Wells, Thomas,  
Schroeder, and Desai on behalf on themselves and non-signing  
inventor Hansen; and a petition for status under \$1.47.

The initial petition was dismissed because rule 47 applicant did  
not demonstrate that a *bona fide* attempt had been made to present  
the application papers (specification, including claims,  
drawings, and oath or declaration) to non-signing inventor  
Hansen. The cover letter submitted indicated that only a  
declaration and power of attorney were presented to non-signing  
inventor Hansen. In addition, the declaration of facts submitted  
to show that non-signing inventor Hansen refused to join in the  
application was not signed by a person with firsthand knowledge  
of the facts recited therein, and it was not shown that obtaining  
a declaration from that person was not possible.

On request for reconsideration, applicant submitted *inter alia* an  
affidavit of Kim Diliberti, a patent paralegal, and the person  
who drafted the cover letter and mailed the documents to inventor  
Hansen for signature. In her sworn statement, Ms. Diliberti  
stated that the letter of August 8, 2000, though only referencing  
a declaration and power of attorney, also included the  
specification, claims and drawings. Ms. Diliberti also attested  
to the efforts taken to forward a patent application and formal  
filing papers to inventor Hansen and to obtain an executed  
declaration and power of attorney from him of which she had  
firsthand knowledge.

BEST AVAILABLE COPY

Given this additional evidence, it is concluded that applicant has made the required showing.

This application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309.

 For

Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

JAMES HANSEN  
31 BRIAR HILL ROAD  
NEW BOSTON, NH 03070

COPY MAILED

MAR 16 2001

OFFICE OF PETITIONS  
A/C PATENTS

In re Application of :  
Peter Visconti, Thomas Doering, :  
Ken Horton, Jan Wells, :  
Robert Thomas, James Hansen, :  
Gary P. Schroeder and Ashvin Desai :  
Application No. 09/574,164 :  
Filed: May 18, 2000 :  
Title: DISPOSABLE SURGICAL :  
SUCTION/IRRIGATION TRUMPET :  
VALVE TUBE CASSETTE :

LETTER

Dear Mr. Hansen:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

*Beverly M. Flanagan*  
Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

KIM DILIBERTI  
ALLEGIANCE HEALTHCARE CORPORATION  
KARL D. BAYS BUILDING  
SUITE 1A  
1430 WAUKEGAN ROAD  
CHICAGO, IL 60085

BEST AVAILABLE COPY